

[OPTS-41014A, 41020A, 41021A; FRL-3044-11]

**Testing Consent Agreement
Development for Chemical Substances
Added to TSCA Priority List;
Solicitation for Interested Parties**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued an Interim Final Rule that amends EPA's regulations for the development and implementation of testing requirements under section 4 of the Toxic Substances Control Act (TSCA). These amendments provide for testing consent agreements between EPA and affected manufacturers, processors, and interested parties for the development of testing programs. In this notice, EPA is soliciting interest in public participation in the consent agreement process for five chemical substances. Public meetings are announced to discuss EPA's preliminary testing determinations for four of these chemicals.

DATES: Submit written notice of interest to be designated an interested party on or before July 17, 1986. Public meetings will be held on July 17 and 18, 1986.

ADDRESS: Submit written notices of interest in being designated an "interested party" in triplicate identified by the document control number (OPTS-41021A), except for 3,4-dichlorobenzotrifluoride (OPTS-41014A) and diisodecylphenyl phosphite (OPTS-41020A) to: TSCA Public Information Office (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-108, 401 M. St. SW., Washington, DC 20460;
FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M St. SW., Washington, D.C. 20460; Toll Free: (800-424-9065). In Washington, DC: (554-1404). Outside the United States: (Operator 202-554-1404).

Persons interested in attending the public meetings should notify EPA by telephone on or before July 11, 1986.

SUPPLEMENTARY INFORMATION: EPA has issued amendments to the procedural regulations in 40 CFR Part 790, which

govern the development and implementation of testing requirements under section 4 of TSCA. These amendments establish procedures for using enforceable consent agreements to develop testing requirements under section 4 of the Act. This notice serves three purposes under those procedures. First, it requests "interested parties" who wish to participate in testing negotiations for five chemicals recommended to EPA by the Interagency Testing Committee (ITC) to identify themselves to EPA. Second, it announces public meetings to initiate testing negotiations for four of the chemicals. Third, it proposes target schedules for implementation of the consent agreement process for three of the chemical substances under consideration.

I. Identification of Interested Parties

Under 40 CFR 790.22, the testing negotiation procedures are initiated by the publication of a Federal Register notice which invites persons interested in participating in or monitoring negotiations for the development of a consent agreement to notify the Agency in writing. Those individuals and groups who respond to EPA's notice by the deadline established in the notice will have the status of "interested parties" and will be afforded opportunities to participate in the negotiation process. These "interested parties" will not incur any obligations by being designated "interested parties." The procedures for these negotiations are described in 40 CFR 790.22. Five chemical substances now are being considered for testing consent agreements. These substances are diisodecyl phenyl phosphite (CAS No. 25550-98-5), cyclohexane (CAS No. 110-82-7), 2,6-di-*tert*-butylphenol (CAS No. 128-39-2), tributyl phosphate (CAS No. 128-73-8), and 3,4-dichlorobenzotrifluoride (CAS No. 328-84-7). Individuals and groups desiring to have the status of "interested parties" in the development of testing consent agreements for any of these chemicals should submit a written notice of this fact to the Agency at the address given above on or before July 17, 1986.

II. Public Meetings

Public meetings will be held to announce EPA's preliminary testing determinations for four of the chemicals. The date of the public meeting for tributyl phosphate, will be announced later. The public meeting schedule is as follows:

July 17

9:30 a.m.—diisodecyl phenyl phosphite.

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11 a.m.—2,6-di-*tert*-butylphenol.
1:30 p.m.—cyclohexane.

July 18

10 a.m.—3,4-dichlorobenzotrifluoride.

All meetings will be held in Rm. 103, Northeast Mall, EPA Headquarters, 401 M St. SW., Washington, DC 20460. Persons interested in attending these meetings should notify the EPA TSCA Assistance Office by telephone at the telephone numbers listed above on or before July 11, 1986.

III. Timetable for Negotiating Test Agreements

In accordance with the procedures for the development of consent agreements established in 40 CFR 790.22, the following target schedule is established for 2,6-di-*tert*-butylphenol and cyclohexane:

July 17, 1986—Public meeting to announce EPA's preliminary testing decisions.

September 29, 1986—Decision by EPA on whether to use consent order or test rule.

November 10, 1986—Draft consent order ready (if EPA decision to use consent order).

February 9, 1987—Issuance of consent order.

May 1, 1987—Statutory deadline for response to ITC's priority designation.

EPA currently plans to proceed on a similar schedule for 3,4-dichlorobenzotrifluoride except that there is no statutory deadline for EPA's response to the ITC's recommendations for this substance because it was not designated by the ITC for response by EPA within 1 year.

In accordance with the procedures for the development of consent agreements established in 40 CFR 790.22, the following target schedule is established for tributyl phosphate:

October 3, 1986—Public meeting to announce EPA's preliminary testing decisions.

December 12, 1986—Decision by EPA on whether to use consent order or test rule.

January 9, 1987—Draft consent order ready (if EPA decision to use consent order).

May 1, 1987—Issue consent order or

July 10, 1987—Issue notice of proposed rulemaking for test rule.

EPA's schedule for diisodecyl phenyl phosphite, which also has been recommended by the ITC but not designated for response by EPA within 1 year, will be published in a subsequent Federal Register notice.

Authority: 15 U.S.C. 2603.

Dated: June 27, 1986.

Joseph J. Merenda,

Director, Existing Chemical Assessment Division.

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